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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND BRANCH

UNITED STATES OF AMERICA, ) No. MJ 12-71312 MAG

Plaintiff, )

v. )

JOHN LEE COBB, )

Defendant. )

STIPULATION AND ~~PROPOSED~~  
ORDER TO SET PRELIMINARY  
HEARING OR ARRAIGNMENT  
ON FEBRUARY 4, 2013

The above-captioned matter was previously set on January 4, 2013 before Magistrate Judge Kandis A. Westmore for a preliminary hearing or arraignment. The parties request that this Court set this matter for a preliminary hearing or arraignment on February 4, 2013 at 9:30 a.m., and that the Court exclude time under the Speedy Trial Act between January 2, 2013 and February 4, 2013. The parties stipulate that the time is excludable from the time limitations of the Speedy Trial Act because the interests of justice are served by granting a continuance, pursuant to 18 U.S.C. § 3161(h)(7)(A) and (B)(iv).

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1 Such continuance is required because the government will be producing discovery,  
2 and defense counsel needs time to review the discovery and, in addition, research legal  
3 and factual issues. This continuance will allow the reasonable time necessary for effective  
4 preparation taking into account the exercise of due diligence.

5 As such, the parties respectfully request that the time between January 2, 2013 and  
6 February 4, 2013 be excluded under U.S.C. § 3161(h)(7)(A) and (B)(iv).

7  
8 DATED: January 2, 2013

Respectfully submitted,

9 MELINDA HAAG  
United States Attorney

10 /s/  
11 RODNEY C. VILLAZOR  
Assistant United States Attorney

12 /s/  
13 JOYCE LEAVITT  
Attorney for John Lee Cobb

14  
15 **ORDER**

16 Based on the reason provided in the stipulation of the parties above, the Court  
17 hereby FINDS that for adequate preparation of the case by all parties, and in the interest  
18 of justice, pursuant to 18 U.S.C. §§ 3161(h)(7)(A) and (B)(iv), an exclusion of time is  
19 warranted under the Speedy Trial Act. Based on these findings, IT IS HEREBY  
20 ORDERED THAT the hearing is continued until February 4, 2013 at 9:30 a.m. before the  
21 Magistrate Court, and time is excluded until February 4, 2013.

22  
23 **IT IS SO ORDERED.**

24 DATED: 1/2/13

25   
KANDIS A. WESTMORE  
United States Magistrate Judge

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28 STIPULATION AND EXCLUSION OF TIME  
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